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UNCLAS SECTION 01 OF 06 ROME 003648

SIPDIS

USAID FOR JOSETTE LEWIS
USDA WASHDC FOR JUNE BLALOCK
STATE FOR SCIENCE ADVISOR NEUREITER
EB FOR A/S WAYNE, PDAS DONNELLY, DAS GADSDEN
EB/TPP/ATT FOR PEREZ
E FOR SHUB
EUR/ERA FOR HEN-NIL
OES FOR A/S TURNER, PDAS ROCK
STATE PASS USTR FOR STROJE, NOVELLI
STATE PASS USDA FOR APHIS:SMCCAMMON, USDA/FAS:BLUM
USDA/OS/HEGWOOD
STATE PASS FDA FOR EFLAMM
NSC FOR EDSON

E.O. 12958: DECL: N/A

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SUBJECT: DEVELOPING COUNTRIES SEEK EMPOWERMENT IN BIOTECH
FROM INTELLECTUAL PROPERTY RIGHTS

11. SUMMARY: DESCRIBING THEMSELVES AS BIOTECH INNOVATORS, RESEARCHERS FROM LARGE DEVELOPING COUNTRIES (INDIA, BRAZIL, CHINA, THE PHILIPPINES, AND OTHERS) PARTICIPATING IN A JUNE 24-27 WORKSHOP CO-SPONSORED BY THE U.N.'S FOOD AND AGRICULTURE ORGANIZATION (FAO) AND THE UNIVERSITY OF ROME TOR VERGATA EMPHASIZED THEIR NEED FOR GREATER EMPOWERMENT IN IPR (INTELLECTUAL PROPERTY RIGHTS) PROTECTION. THE AIMS OF THE CONSULTATION WERE TO ANALYZE THE EFFECTS OF IPRS ON
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BIOTECH IN THE DEVELOPING WORLD, DELINEATE APPROPRIATE POLICY OPTIONS TO MEET PRIORITY NEEDS WHILE RESPECTING INTERNATIONAL OBLIGATIONS, IDENTIFY CAPACITY NEEDS, AND PRODUCE RECOMMENDATIONS FOR ACTION. LARGE DEVELOPING COUNTRY REPRESENTATIVES DID NOT IDEOLOGICALLY OPPOSE IPR OR GRUMBLE ABOUT MULTINATIONALS BUT, INSTEAD, SEIZED THE OPPORTUNITY TO EXPRESS THEIR EAGERNESS TO USE IP TO PROTECT THEIR OWN RESEARCH DEVELOPMENTS. IMPORTANT OUTCOMES WERE:
-DEVELOPING COUNTRIES EMPHASIZED THE ROLE OF PUBLICLY FUNDED RESEARCH AND THE NEED TO SHAPE IPR REGIMES TO BE MORE AMENABLE TO PROTECTING AND COMMERCIALIZING PUBLIC SECTOR RESEARCH.
-DEVELOPING COUNTRIES STRESSED THAT SCIENTISTS LACK BOTH ADEQUATE KNOWLEDGE OF IPR AND AN UNDERSTANDING OF WHEN TO SEEK PATENT PROTECTION.
-DEVELOPING COUNTRIES NOTED THAT FARMERS OFTEN PLAY A DRIVING ROLE IN DECIDING WHETHER TO ADOPT NEW TECHNOLOGY (SUCH AS GMOS) WHEN DECISIONS ARE STYMIED AT THE POLITICAL LEVEL.
-EXTENSION (MOVING TECHNOLOGY FROM THE LABS TO THE NATIONAL AND LOCAL LEVELS) REMAINS A PROBLEM IN DEVELOPING COUNTRIES.
-DEVELOPING COUNTRIES EXPRESSED THEIR DESIRE TO PARTICIPATE IN PUBLIC-PRIVATE PARTNERSHIPS OF THE TYPE THAT MONSANTO AND SYNGENTA ARE FACILITATING. SUCH PARTNERSHIPS FOCUS ON IMPROVING THE QUALITY OF CROPS THAT ARE LESS VALUABLE COMMERCIALY BUT MORE IMPORTANT LOCALLY (SUCH AS PAPAYA AND CASSAVA) AND ENSURING THAT BIOTECH IS MADE AVAILABLE IN THE FIGHT AGAINST FOOD INSECURITY.
END SUMMARY

THE RATIONALE AND GOALS OF THE CONSULTATION
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12. THE FAO AND THE UNIVERSITY OF TOR VERGATA ROME ORGANIZED AND CO-SPONSORED THE WORKSHOP "PUBLIC AGRICULTURAL RESEARCH: THE IMPACT OF IPRS ON BIOTECHNOLOGY IN DEVELOPING COUNTRIES" FROM JUNE 24-27 IN ROME, ITALY. THE WORKSHOP RATIONALE, AS EXPLAINED BY THE ORGANIZERS, STEMMED FROM THE INCREASE IN PROPRIETARY AGRICULTURAL PRODUCTS THAT IS OCCURRING UNDER THE NEW FRAMEWORK OF THE TRIPS AGREEMENT (THE WTO AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS). NOTING THAT THE TRIPS AGREEMENT GENERALLY AIMS TO REDUCE DISTORTIONS IN TRADE AND TO PROMOTE TECHNOLOGICAL INNOVATION AND TRANSFER, THE CONFERENCE ORGANIZERS STRESSED THAT IT IS IMPORTANT THAT THE ITS IMPLEMENTATION DOES NOT RESTRICT EFFORTS TO ELIMINATE FOOD INSECURITY. ACCORDING TO THE FAO, GIVEN THAT CAPACITY AND PUBLIC INVESTMENT VARY SIGNIFICANTLY AMONG COUNTRIES AND THAT THE ADVANCED PRODUCTS BEING PRODUCED BY MULTINATIONAL CORPORATIONS ARE TARGETED TO THE COMMERCIAL FARMING SECTOR, NATIONAL AND INTERNATIONAL ACTION IS NEEDED TO FACILITATE PARTNERSHIPS BETWEEN PRIVATE FIRMS AND PUBLIC INSTITUTIONS IN THE DEVELOPING WORLD. USG-FUNDED PARTICIPANTS WERE JUNE BLALOCK, THE COORDINATOR OF THE TECHNICAL LICENSING PROGRAM FOR THE USDA'S AGRICULTURAL RESEARCH SERVICE; ROSEMARY WOLSON, THE INTELLECTUAL PROPERTY MANAGER IN THE OFFICE OF INDUSTRY LIAISON AT THE UNIVERSITY

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	EAP-00	EXME-00	EUR-00	E-00	FAAE-00	UTED-00	VC-00
	FRB-00	HHS-01	H-01	TEDE-00	INR-00	IO-00	ITC-01
	LAB-01	L-00	VCE-00	AC-01	NEA-00	NSAE-00	OES-01
	OIC-02	OMB-01	OPIC-01	ACE-00	SP-00	SSO-00	SS-00
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INFO USMISSION GENEVA
EU MEMBER STATES COLLECTIVE
AMCONSUL FLORENCE
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AMCONSUL NAPLES
AMEMBASSY BRASILIA
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AMEMBASSY PRETORIA
AMEMBASSY MANILA
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SUBJECT: DEVELOPING COUNTRIES SEEK EMPOWERMENT IN BIOTECH
FROM INTELLECTUAL PROPERTY RIGHTS

OF CAPE TOWN; AND SITHOLE NIANG OF THE UNIVERSITY OF
ZIMBABWE.

SETTING THE SCENE: OUTLINING NEEDS, CONSTRAINTS, AND
OPPORTUNITIES

[13.](#) DEVELOPING COUNTRY PRESENTERS INCLUDED REPRESENTATIVES
FROM ZIMBABWE, KENYA, INDIA, THE PHILIPPINES, CHINA, CUBA,
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MEXICO, BRAZIL, AND ARGENTINA. ACADEMICS AND RESEARCHERS
WERE PRESENT FROM THE UNIVERSITY OF TOR VERGATA, CORNELL
UNIVERSITY, AND DODDS & ASSOCIATES, WHICH PRESENTED JOHN
DODD'S STUDY "INTELLECTUAL PROPERTY RIGHTS IN AGRICULTURE."
REPRESENTATIVES FROM THE FAO, WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO), THE INTERNATIONAL UNION FOR THE
PROTECTION OF NEW VARIETIES OF PLANTS (UPOV), INTERNATIONAL
SERVICE FOR NATIONAL AGRICULTURAL RESEARCH (ISNAR), USDA,
THE WORLD BANK, CONSULTATIVE GROUP ON INTERNATIONAL
AGRICULTURAL RESEARCH (CGIAR), THE INTERNATIONAL MAIZE AND
WHEAT IMPROVEMENT CENTER (CIMMYT), THE ROCKEFELLER
FOUNDATION, MONSANTO, AND SYNGENTA ALSO ATTENDED.

[14.](#) IPR CONSTRAINTS, NEEDS, AND OPPORTUNITIES OF PUBLIC
SECTOR RESEARCH INSTITUTIONS WERE IDENTIFIED EARLY IN THE
WORKSHOP. A PRINCIPAL THEME OF DISCUSSION WAS TODAY'S HIGH
RISK/LOW BENEFIT SITUATION THAT DISCOURAGES PUBLIC RESEARCH
INSTITUTIONS FROM INVESTING IN BIOTECH OR PATENTING THEIR
INNOVATIONS. BARRIERS TO THE DIFFUSION OF AGRICULTURAL
BIOTECH, IMPOSED BY BIOSAFETY CONCERNS IN BOTH INTERNAL AND
EXPORT MARKETS AND HIGH REGULATION COSTS, CAN ACT AS
BARRIERS TO PUBLIC BIOTECH RESEARCH. INADEQUATE
COMMUNICATION BETWEEN THE SCIENTIFIC COMMUNITY AND POLICY
MAKERS CONTRIBUTES TO A MISUNDERSTANDING AND FEAR OF NEW
TECHNOLOGIES, PROMPTING THE ADOPTION OF OVERLY CONSERVATIVE
POLICY.

[15.](#) PARTICIPANTS NOTED THE LACK OF INCENTIVES OFFERED TO
PUBLIC SECTOR SCIENTISTS FOR PATENTING THEIR INNOVATIONS.
TODAY, PUBLISHED RESEARCH CONFERS MORE CAREER REWARDS THAN
PATENTING. TO REMEDY THIS SITUATION, SEVERAL PARTICIPANTS
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SUGGESTED CREATING WAYS TO REWARD ENTREPRENEURS IN THE
PUBLIC SECTOR, BY ENDOWING PATENTS WITH A PRESTIGE SIMILAR
TO THAT OF HAVING WORK PUBLISHED OR BY REWARDING RESEARCHERS
FINANCIALLY (RATHER THAN HAVING ALL PROFITS FUNNEL BACK INTO
THE PUBLIC INSTITUTION).

[16.](#) INSUFFICIENT NATIONAL RESOURCES FOR RESEARCH AND
INADEQUATE IPR CAPACITY WERE ALSO HIGHLIGHTED AS CENTRAL
PROBLEMS FOR DEVELOPING COUNTRIES. WHEN ADEQUATE CAPACITY
EXISTS AT THE NATIONAL OR INTERNATIONAL LEVEL, THE CAPACITY
TO MOVE TECHNOLOGY TO THE LOCAL LEVEL, WHERE IT CAN HELP
SMALL FARMERS, IS OFTEN LACKING. SPEAKERS REPRESENTING
PUBLIC INSTITUTIONS AND PRIVATE FIRMS (MONSANTO) EXPRESSED
OPTIMISM ABOUT THE POTENTIAL FOR PUBLIC-PRIVATE PARTNERSHIPS
TO ADDRESS WIDE-RANGING NEEDS, BUT STRESSED THAT DONOR-BASED
ASSISTANCE IS NOT THE FINAL SOLUTION SINCE IT IS
UNSUSTAINABLE IN THE LONG TERM.

WHAT EVERYONE WANTS: THE COUNTRIES' PERSPECTIVES

AFRICA: LOW CAPACITY, DISTRUST, CONCERN OVER SUSTAINABILITY
OF BIOTECH INITIATIVES

[17.](#) THE COMMENTARY FROM THE AFRICAN COUNTRY REPRESENTATIVES,

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INFO	LOG-00	NP-00	AF-00	AGRE-00	AID-00	CEA-01	CIAE-00
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FM AMEMBASSY ROME
TO SECSTATE WASHDC PRIORITY 5058
INFO USMISSION GENEVA
EU MEMBER STATES COLLECTIVE
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AMCONSUL NAPLES
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HANNINGTON ODAME, A RESEARCHER FOR THE AFRICAN CENTER FOR TECHNOLOGY STUDIES OF KENYA, AND DR. SITHOLE NIANG OF THE UNIVERSITY OF ZIMBABWE, PLACED INADEQUATE IPR CAPACITY IN THE CONTEXT OF THE REGION'S LIMITED SCIENTIFIC RESOURCES AND SUSPICION OF BIOTECHNOLOGY. IN THE CASE OF KENYA, ODAME COMMENTED ON ITS LOW CAPACITY IN RISK ASSESSMENT AND LAMENTED THE LACK OF EXTENSION, THE ABILITY TO MOVE TECHNOLOGY TO THE LOCAL LEVEL. HE NOTED THAT THE MONSANTO
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AND USAID PARTNERSHIP IN SWEET POTATO RESEARCH, DESPITE BEING CRITICIZED AS AN ATTEMPT TO OPEN UP THE MARKET, STIMULATED THE FORMATION OF NEW BIOTECH REGULATIONS. HE EXPRESSED CONCERN ABOUT THE SUSTAINABILITY OF DONOR-FUNDED BIOTECH INITIATIVES, A WORRY THAT WOULD BE ECHOED BY THE ZIMBABWEAN REPRESENTATIVE.

18. DR. SITHOLE NIANG EXPLAINED HOW ZIMBABWE IS PLAGUED BY A BRAIN DRAIN AND NETWORKS BASED ON PERSONAL RELATIONSHIPS RATHER THAN EXPERTISE. PUBLIC AWARENESS OF BIOSAFETY ISSUES IS LACKING. ALTHOUGH THERE ARE RESEARCH INITIATIVES IN CASSAVA, MAIZE, AND OTHER CROPS OF INTEREST TO THE COUNTRY, THERE ARE "HUGE" LOBBIES AGAINST TRANSGENIC TECHNOLOGIES BY THE FORESTRY AND TOBACCO INDUSTRIES AND BY ENVIRONMENTAL GROUPS. SHE ATTRIBUTED HER COUNTRY'S RECENT REJECTION OF GM FOOD AID TO A LACK OF MILLING CAPACITY. SHE SAID THAT THE ZIMBABWEAN GOVERNMENT REQUIRED GM GRAINS TO BE MILLED BEFORE DISTRIBUTION IN ORDER TO PREVENT FOOD AID RECIPIENTS FROM PLANTING THE SEEDS THEY RECEIVE. THE GOVERNMENT REJECTED THE AID BECAUSE, IN THEORY, MILLING CAPACITY WAS INSUFFICIENT TO FULFILL THIS REQUIREMENT.

INDIA: BIODIVERSITY FOCUS, NEW INCENTIVES, REALISTIC GOALS

19. S. R. RAO, THE INDIAN REPRESENTATIVE, STATED THAT BIOTECHNOLOGY PLUS BIODIVERSITY EQUALS ECONOMIC WEALTH BUT THAT SUFFICIENT INSTITUTIONAL INFRASTRUCTURE IS MISSING TO SUM THE EQUATION. SHE ARGUED THAT THE BENEFITS ACCRUED FROM PATENTING A NEW, GENETICALLY MODIFIED PLANT VARIETY SHOULD BE DIVIDED BETWEEN THE RESEARCHERS WHO PRODUCED IT AND THE FARMERS WHO HAD BEEN INVOLVED IN PREVIOUS GENERATIONS OF
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TRADITIONAL BREEDING TO PRODUCE THE "BIOTECH" PROGENITOR. SHE ALSO EXPRESSED CONCERN OVER THE POSSIBILITY THAT A COUNTRY'S MICROORGANISM MIGHT BE PATENTED BY AN OUTSIDER, REQUIRING THE COUNTRY TO PAY ROYALTIES FOR THE USE OF ITS INDIGENOUS GENETIC MATERIAL. ON A PRACTICAL NOTE, SHE COMMENTED THAT SCIENTISTS NEED TRAINING IN NEGOTIATION AND KNOWLEDGE ABOUT WHAT IS PATENTABLE. TODAY'S UNIVERSITY RESEARCH SYSTEM REWARDS SCIENTISTS FOR PUBLISHING WORK (LEAVING IT IN THE PUBLIC DOMAIN) RATHER THAN PATENTING IT. TO INDUCE RESEARCHERS TO PATENT, IT IS NECESSARY TO INCREASE THE PRESTIGE OF PATENTS AND INCREASE THE FINANCIAL BENEFITS THAT THEY OFFER TO SCIENTISTS. TO MAKE BIOTECH MORE AVAILABLE TO DEVELOPING COUNTRIES, SHE RECOMMENDED DIFFERENTIAL PRICING SCHEMES AND STRESSED THE NEED FOR EFFECTIVE HUMAN RESOURCES DEVELOPMENT. TO IMPROVE THE PUBLIC IMAGE OF BIOTECH, RESEARCHERS SHOULD AVOID OVER-HYPING NEW TECHNOLOGIES BEFORE THEY CAN BE RELEASED, INADVERTENTLY SETTING THE STAGE FOR THE TYPE OF DISAPPOINTMENT GENERATED BY THE YET UNMATERIALIZED PROMISES OF GOLDEN RICE. AS REGARDS RESEARCH AND PUBLIC-PRIVATE PARTNERSHIPS, RAO COMMENTED THAT EFFORTS IN INDIA WERE BEING TARGETED TO ITS SPECIFIC NEEDS, SUCH AS DROUGHT AND SALINITY RESISTANCE AND NUTRITION. BIOTECH INNOVATION IN INDIA DOES NOT SEEK TO REDUCE LABOR BECAUSE LABOR IS ABUNDANT.

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EAST ASIA: HELPING IPR KEEP UP WITH RESEARCH

110. THE REPRESENTATIVES OF EAST ASIA DIFFERED SIGNIFICANTLY
IN THEIR CONCERNS FROM THEIR SOUTH ASIAN AND AFRICAN
COUNTERPARTS. MAKING LITTLE ISSUE OF BIODIVERSITY CONCERNS,
THE REPRESENTATIVES OF THE PHILIPPINES AND CHINA FOCUSED ON
THE NEED TO ADDRESS THEIR IP CONSTRAINTS FROM THE
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PERSPECTIVE OF INNOVATORS. IN THE PHILIPPINES, WHERE MOST
OF THE RESEARCH IS BEING DONE IN UNIVERSITIES, TRAINING
COURSES AND SEMINARS INCREASE IP AWARENESS, IP AUDITS ARE
CONDUCTED BY THE DEPARTMENT OF SCIENCE TO ADDRESS UNRESOLVED
IP ISSUES IN ON-GOING PROJECTS, AND ATTEMPTS ARE MADE TO
ESTABLISH CLEAR COMMERCIALIZATION SCHEMES FOR RESEARCH-
GENERATED IPS. CHINA NOTED THAT IT IS DEVELOPING ONE OF THE
LARGEST PUBLIC BIOTECH PROGRAMS IN THE WORLD AND IS SEEKING
TO IMPROVE RESEARCH CAPACITY AND IMPROVE BIOTECH MANAGEMENT.

LATIN AMERICA: CUBA'S AMBITION, ILLEGAL PLANTING ELSEWHERE

111. AMONG THE LATIN AMERICA PARTICIPANTS, CUBA'S PUBLIC
BIOTECH RESEARCH PROGRAM STOOD OUT AS THE MOST AMBITIOUS
(OR, AT THE LEAST, CARLOS BORROTO, CUBA'S REPRESENTATIVE,
WAS THE MOST ENTHUSIASTIC ABOUT HIS COUNTRY'S PUBLIC
RESEARCH SECTOR). BORROTO EXPLAINED THAT BIOTECH RECEIVED
HUGE GOVERNMENT INVESTMENT (\$1 BILLION) AND TREATS THE
DOMESTIC MARKET AS ITS FIRST PRIORITY, CONCENTRATING ON FOOD
SECURITY AND SOME EXPORTS. HE NOTED THAT, ALTHOUGH PATENTS
WERE NOT SEEN AS A PRIORITY UP TO THE BEGINNING OF THE
1990S, RESEARCHERS ARE NOW LOOKING AT THE WORLD PATENT
SITUATION AND TRYING TO DESIGN PROJECTS THAT WILL FILL IN
GAPS.

112. ALEJANDRO BLANCO-LABRA OF THE CENTRO DE INVESTIGACION Y
DE ESTUDIOS AVANZADOS-IPN (CINVESTAV), THE MEXICAN
REPRESENTATIVE, SKIRTED QUESTIONS ABOUT LEGISLATION THAT HAS
OFFICIALLY BARRED BIOTECH RESEARCH IN MEXICO WITH THE
COMMENT THAT HE HOPED THINGS WOULD SOON CHANGE. HE NOTED
THAT FOREIGN COMPANIES MOST OFTEN TOOK ADVANTAGE OF THE
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PATENT SYSTEM IN MEXICO. ONLY FIVE PERCENT OF THE BIOTECH
PATENTS ARE HELD BY MEXICANS, WHILE FIFTY PERCENT ARE HELD
BY U.S. COMPANIES OR INDIVIDUALS. HE ECHOED THE INDIAN
REPRESENTATIVE'S COMMENT THAT RESEARCH INCENTIVES WERE
ACADEMICALLY ORIENTED AND DID NOT REWARD TECHNOLOGY
TRANSFER. HE LISTED LACK OF VENTURE CAPITAL AS A CONSTRAINT
TO BIOTECH RESEARCH. COMMENT: THIS STATEMENT REFLECTS A
FREQUENTLY HEARD AND NAIVE VIEW OF VENTURE CAPITALISTS, WHO
ARE BLAMED FOR LACK OF INTERESTS IN MARKETS WHERE SCIENTIFIC
INNOVATION IS RARELY TRANSFORMED TO PATENTABLE INVENTIONS.
END COMMENT.

113. MARIA SAMPAIO, AN EXPERT FROM THE BRAZILIAN AGRICULTURE
RESEARCH CORPORATION (EMBRAPA), COMMENTED THAT ITS PARTNERS
IN GM RESEARCH HAVE BEEN MOSTLY THE SAME AS THOSE IN
TRADITIONAL BREEDING METHODS AND NOTED THAT IT IS IMPORTANT
THAT FUNDS GENERATED FROM BIOTECH GO BACK INTO THE RESEARCH
PROCESS. SHE CALLED FOR A EUROPEAN-DRIVEN REVIEW OF THE
PRECAUTIONARY PRINCIPLE AND NOTED THAT THE EU'S ATTEMPT TO
SHIFT ITS VIEWS INTO INTERNATIONAL AGREEMENTS COULD HAVE
HIGHLY NEGATIVE EFFECTS ON COUNTRIES LIKE BRAZIL, WHERE
FARMERS HAVE ILLEGALLY PLANTED GM CROPS WHOSE APPROVAL HAS
BEEN HELD UP FOR POLITICAL REASONS. BRAZILIAN FARMERS,
BECAUSE THEY CAN SAVE 30-40 PERCENT IN PRODUCTION COSTS,

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FRB-00 HHS-01 H-01 TEDE-00 INR-00 IO-00 ITC-01
LAB-01 L-00 VCE-00 AC-01 NEA-00 NSAE-00 OES-01
OTC-02 OMB-01 OPIC-01 ACE-00 SP-00 SSO-00 SS-00
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USDA WASHDC FOR JUNE BLALOCK
STATE FOR SCIENCE ADVISOR NEUREITER
EB FOR A/S WAYNE, PDAS DONNELLY, DAS GADSDEN
EB/TPP/ATT FOR PEREZ
E FOR SHUB
EUR/ERA FOR HEN-NIL
OES FOR A/S TURNER, PDAS ROCK
STATE PASS USTR FOR STROJE, NOVELLI
STATE PASS USDA FOR APHIS:SMCCAMMON, USDA/FAS:BLUM
USDA/OS/HEGWOOD
STATE PASS FDA FOR EFLAMM
NSC FOR EDSON

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SUBJECT: DEVELOPING COUNTRIES SEEK EMPOWERMENT IN BIOTECH
FROM INTELLECTUAL PROPERTY RIGHTS

HAVE BEEN PLANTING GM CROPS THAT BRAZIL HAS NOT YET
APPROVED. IN THE MID- TO LATE 1990S, THE BRAZILIAN
GOVERNMENT AND MONSANTO WORKED TOGETHER TO ESTABLISH A FIVE-
YEAR SURVEILLANCE PROGRAM TO MONITOR CROP RESEARCH IN THE
FIELD. ALTHOUGH THE BIOSAFETY COMMISSION HAS ALREADY
APPROVED THE PROGRAM, POLITICAL DAWDLING HAS KEPT IT FROM
GOING FORWARD. ON THEIR PART, FARMERS HAVE NOT BOTHERED TO
WAIT FOR THE POLITICAL GO-AHEAD AND HAVE, FOR FINANCIAL
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REASONS, ADOPTED GM CROPS. THE ARGENTINE NOTED THAT
PLANTING OF SOYBEANS IN HIS COUNTRY WAS LIKEWISE DRIVEN BY
THE ECONOMIC CONSIDERATIONS OF FARMERS.

LENDING A HAND: CORPORATIONS, DONOR AGENCIES, ETC.

114. EXPERTS FROM CORPORATIONS, CONSULTATIVE GROUPS, AND
DONOR AGENCIES ALSO PARTICIPATED IN THE CONSULTATION. JUNE
BLALOCK OF USDA SPOKE OF THE ROLE OF TECHNOLOGY TRANSFER
OFFICES IN THE MANAGEMENT OF IPR ISSUES THAT IMPACT
AGRICULTURAL RESEARCH.

115. REPRESENTATIVES FROM UPOV AND WIPO DISCUSSED THE ROLE
THAT THEY PLAY IN ENABLING REGULATORY ENVIRONMENTS. IN
RESPONDING TO QUESTIONS REGARDING UPOV'S SUITABILITY FOR
BIOTECH EVENTS, THE UPOV REPRESENTATIVE RESPONDED THAT THEY
WERE WORKING ON RESOLVING APPARENT CONTRADICTIONS BETWEEN
THE UPOV CONVENTION AND THE TRIPS AGREEMENT. BILL LESSER OF
CORNELL UNIVERSITY SPOKE ABOUT POLICY OPTIONS AT THE
REGIONAL LEVEL, AND REPRESENTATIVES FROM CGIAR DISCUSSED THE
POTENTIAL ROLE OF INTERNATIONAL AGRICULTURAL RESEARCH
CENTERS (IARCS) IN FACILITATING THE TRANSFER OF PROTECTED
TECHNOLOGY.

116. SHAWN N. SULLIVAN, A LAWYER FOR THE CGIAR CENTER
CYMMIT, SPOKE ABOUT HIS PERSONAL EXPERIENCES IN DEVELOPING
CYMMIT'S IPR FRAMEWORK. HE NOTED THAT LEAVING TECHNOLOGY IN
THE PUBLIC DOMAIN SERVES AS A DISINCENTIVE FOR ITS
COMMERCIALIZATION BECAUSE COMPANIES WILL BE MORE INCLINED TO
USE THEIR OWN PATENTED MATERIAL, EVEN IF IT IS INFERIOR. AS
A CONSEQUENCE, CYMMIT HAS DECIDED TO APPLY FOR IP PROTECTION
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ON A STRATEGIC CASE-BY-CASE BASIS WITH THE KNOWLEDGE THAT
IPR CAN SERVE AS A BARGAINING CHIP WITH PRIVATE
CORPORATIONS.

117. REPRESENTATIVES FROM MONSANTO AND SYNGENTA, TWO OF THE
LARGEST MULTINATIONAL BIOTECH CORPORATIONS, SPOKE ABOUT
DIFFERENT PUBLIC-PRIVATE PARTNERSHIPS ESTABLISHED TO ASSIST
THE DEVELOPING WORLD WITH BIOTECH INNOVATION AND TECHNOLOGY
TRANSFER. TOGETHER WITH PUBLICLY FUNDED INSTITUTIONS, THEY
ARE WORKING ON CROPS AS DIVERSE AS CASSAVA, MUSTARD OIL, AND
PAPAYA. JILL MONTGOMERY, THE DIRECTOR OF TECHNOLOGY
COOPERATION AT MONSANTO, NOTED THAT THERE EXISTS A GOOD DEAL
OF IGNORANCE REGARDING SUCH PUBLIC-PRIVATE PARTNERSHIPS AND
SUGGESTED THAT SPREADING INFORMATION ABOUT THEM MIGHT HELP
BIOTECH'S IMAGE.

118. PETER MATLON OF THE ROCKEFELLER FOUNDATION PRESENTED
TWO NEW INITIATIVES THAT HIS DONOR-AGENCY IS DEVELOPING:
THE AFRICAN AGRICULTURAL TECHNOLOGY FOUNDATION (AATF) AND AN
INITIATIVE TO CREATE A CLEARINGHOUSE FOR PUBLICLY HELD
AGRICULTURAL TECHNOLOGY IN THE U.S. THE AATF, TO BE
OPERATIVE BY EARLY 2003, HAS THE OBJECTIVE OF REDUCING FOOD
INSECURITY BY FACILITATING THE DEVELOPMENT AND TRANSFER OF
RELEVANT BIOTECHNOLOGY. IN MEETINGS WITH THE "BIG FIVE"

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BIOTECH CORPORATIONS, ROCKEFELLER HAS FOUND THAT THESE
COMPANIES ARE ANXIOUS TO SHARE IP FOR HUMANITARIAN PURPOSES
SUBJECT TO INDUSTRY-DEFINED SAFEGUARDS. AFRICAN DELEGATES,
WHILE APPLAUDING THE PROGRAM, AGAIN RAISED CONCERNS ABOUT
THE AATF'S SUSTAINABILITY.

19. OTTAVIO JANNI(ITALY) OF THE MILAN BASED ISTITUTO DI
RICERCA SULLA DINAMICA DEI SISTEMI ECONOMIC GAVE ONE OF THE
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MORE DIVERGENT VIEWS ON IPR, STATING THAT, PARTICULARLY IN
THE CONTEXT OF PHARMACEUTICALS, IPR WAS BEING USED TO
HARVEST THE BIOLOGICAL PATRIMONY OF INDIGENOUS CULTURES.

20. COMMENT: DEVELOPING COUNTRY REPRESENTATIVES DID NOT
REJECT IPR ON IDEOLOGICAL GROUNDS OR COMPLAIN ABOUT
MULTINATIONALS (AS MIGHT HAVE BEEN EXPECTED). INSTEAD,
INDIA, BRAZIL, CUBA, AND OTHERS STAKED OUT THEIR GROUND AS
POTENTIAL INNOVATORS AND SHOWED AN ENTHUSIASM TO USE IP TO
PROTECT THEIR INNOVATIONS. WHILE THE DESIGN OF THE WORKSHOP
(A GATHERING OF BIOTECH IPR EXPERTS) PROBABLY SELF-SELECTED
PARTICIPANTS OF PRO-BIOTECH STANCE, THERE WERE MORE IPR
INTERESTS IN COMMON BETWEEN THE LARGE DEVELOPING COUNTRIES
AND DEVELOPED COUNTRIES THAN DIFFERENCES. GAPS, HOWEVER,
WERE EVIDENT. FOR EXAMPLE, PARTICIPANTS ACKNOWLEDGED THAT
MANY OBSTACLES BEYOND IPR ISSUES PLAGUED DEVELOPING
COUNTRIES' ACCESS TO BIOTECHNOLOGY. THEY ACCENTUATED THE
NEED FOR GREATER SCIENTIFIC PARTICIPATION IN POLICY MAKING
AND NOTED THAT THE PLACEMENT OF BIOTECH REGULATORY BODIES
(IN THE ENVIRONMENTAL, AGRICULTURAL, ETC. MINISTRY) HAS A
SIGNIFICANT EFFECT ON THE BIOTECH REGULATIONS THAT ARE
ADOPTED. REPRESENTATIVES FROM CUBA AND BRAZIL, AMONG
OTHERS, COMMENTED THAT, EVEN WHEN BIOTECHNOLOGY PRODUCTS ARE
DEEMED SAFE FOR DOMESTIC MARKETS, CONCERNS ABOUT BEING ABLE
TO EXPORT PRODUCTS (PARTICULARLY TO EUROPE) PRECLUDE THEIR
BEING POLITICALLY APPROVED. IN THIS REGARD, CUBA POINTED
OUT THE IRONY OF A EUROPEAN'S CONCERN THAT HIS CARCINOGENIC
CIGAR MIGHT BE GENETICALLY MODIFIED. ULTIMATELY, SEVERAL
ATTENDEES ARGUED, THE CONSUMERS AND FARMERS WILL BE THE ONE
TO CHOOSE WHETHER OR NOT TO ADOPT GENETICALLY MODIFIED
CROPS. END COMMENT

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21. THIS CABLE WAS PREPARED BY SCIENCE INTERN LEIGH SYLVAN.

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